

## SEWER EASEMENT

FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00), in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we, Harlan East and wife, Barbra Jean East, hereinafter referred to as "Grantor", do hereby grant, bargain, sell and convey unto the City of Olive Branch, its successors and assigns, hereinafter referred to as "Grantee", the right, privilege and easement at any time and from time to time to construct, maintain, inspect, operate, protect, repair, replace, change the size of, or remove a pipeline, pipelines and other appurtenances for operation of the City Sewage System, within the confines of an area described in Exhibit 1, which is attached hereto and made a part hereof as if fully copied herein, together with reasonable access thereto.

TO HAVE AND TO HOLD said easement and reasonable access thereto unto said Grantee, its successors and assigns temporarily, where noted, and permanently, where noted in Exhibit 1.

It is agreed that the pipeline or pipelines to be laid under this grant shall be constructed at sufficient depth below the surface of the ground to permit normal cultivation, and Grantor shall have the right to fully use and enjoy the above described premises, subject to the rights herein granted.

As additional consideration it is agreed that Grantor shall be entitled to receive a waiver of one sewer tap on the property over which this Easement is granted.


Grantee shall have the right to clear and keep clear all trees, undergrowth and other obstructions from the herein granted easement, and Grantor agrees not to build, construct or create, nor permit others to build, construct or create any buildings or other structures on the herein granted easement that will interfere with the normal operation and maintenance of the said line or lines.

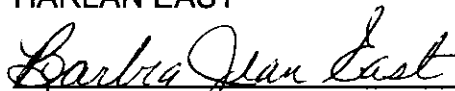
Grantor hereby expressly agrees that in the event the route of the pipeline to be constructed hereunder should cross any roads, railroads, creeks, rivers or other waterways located on the above described land or other places requiring extra working space, Grantee shall have the right and temporary access to additional working space which may be necessary for construction.

Grantor represents that the above described land is not rented at the present time.

The terms and conditions hereof shall be binding upon and inure to the benefit of the heirs, executors, administrators, devisees, successors, trustees or assigns of the parties hereto, and the rights herein granted may be assigned in whole or in part.

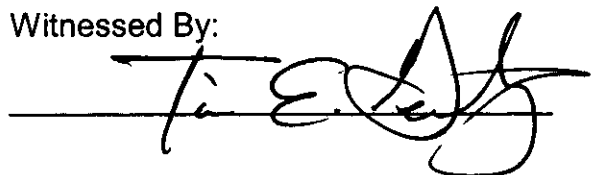
IN WITNESS WHEREOF the said Grantors have hereunto set their hand and seal, this 21 day of May, 2001.

  
HARLAN EAST

  
BARBRA JEAN EAST

STATE MS. - DESOTO CO.

Witnessed By:



MAR 26 9 08 AM '02

BK 415 PG 260  
W.E. DAVIS CH. CLK.

APPROVED AND ACCEPTED by the  
City of Olive Branch

By: *Samuel P. Rikard*  
SAMUEL P. RIKARD, MAYOR

ATTEST:

*Judy C. Herrington*  
JUDY C. HERRINGTON, CITY CLERK

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this 22<sup>nd</sup> day of May, 2001, within my jurisdiction, Tim E. Gentry, one of the subscribing witnesses to the above and foregoing instrument, who, being first duly sworn, states that he saw the within named Harlan East and wife, Barbra Jean East, whose names are subscribed thereto, sign and deliver the same to the City of Olive Branch; and that the affiant subscribed his name as witness thereto in the presence of same.

*Tim E. Gentry*  
Witness

*Judy Diane Noremore*  
NOTARY PUBLIC

My Commission Expires:  
MISSISSIPPI STATEWIDE NOTARY PUBLIC  
MY COMMISSION EXPIRES MARCH 19, 2005  
BONDED THRU STEGALL NOTARY SERVICE

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state on this 11<sup>th</sup> day of March, 2002 within my jurisdiction, the within named Samuel P. Rikard and Judy C. Herrington, who acknowledged that they are the Mayor and City Clerk, respectively, of the City of Olive Branch, and that in said representative capacity they executed the above and foregoing instrument, after first having been duly authorized so to do.

My Commission Expires:

My Commission Expires May 20, 2003

*Seanna Wagner*  
NOTARY PUBLIC

PREPARED BY AND RETURN TO: Gary P. Snyder, Watkins Ludlam Winter & Stennis, P.A.,  
P.O. Box 1456, Olive Branch, MS 38654, 662-895-2996.

**HARLAN EAST  
and wife BARBRA JEAN EAST  
DEED BOOK 317, PAGE 741**

**EXHIBIT 1**

Being a portion of Lot 15, Cedar Crest Estates Subdivision, lying in Section 10, Township 2 South, Range 6 West in the City of Olive Branch, Desoto County, Mississippi as recorded in Plat Book 38, Pages 5-6 in the Desoto County Chancery Clerk's Office, and being more particularly described as follows:

**PERMANENT UTILITY EASEMENT**

Being a 10 foot wide strip of land parallel and adjacent to the west line of subject property and having a centerline described as follows: Beginning at a point, said point being 5.00 feet more or less east of the southwest corner of subject property as measured along the south line of subject property; thence in a northerly direction parallel to the west line of subject property a distance of approximately 151.29 feet to a point on the north line of subject property, said point being 5.00 feet more or less east of the northwest corner of subject property as measured along said north line and containing 1,513 square feet more or less.

**TEMPORARY CONSTRUCTION EASEMENT**

Being a 20 foot wide strip of land parallel and adjacent to the east side of the above described permanent utility easement and containing 3,025 square feet more or less.



SCALE: 1" = 50'

MIRANDA DRIVE

LOT 16

439.00'

HARLAN EAST  
& BARBRA JEAN EAST  
BK. 317, PG. 741  
LOT 15

438.62'

LOT 14

5.00'

151.29'

10' PERMANENT  
UTILITY EASEMENT

20' TEMPORARY  
CONSTRUCTION EASEMENT

151.30'

5.00'

EXHIBIT NO. 1

SHEET 1 OF 1

THE CITY OF OLIVE BRANCH, MISSISSIPPI  
DESOTO COUNTY

OLIVE BRANCH 2001  
SEWER IMPROVEMENTS

UTILITY EASEMENT

PREPARED BY: F&A BK. 317, PG. 741 TRACT: EAST

DRAFTSMAN: MAW DATE: FEB., 2001

NO.	DESCRIPTION	DATE	BY

EASEMENT REQUIRED:

UNENCUMBERED:  
PERM: 1,513 S.F.  
TEMP: 3,025 S.F.

ENCUMBERED:  
PERM: 0.0 S.F.  
TEMP: 0.0 S.F.

THIS PROPERTY IS LOCATED IN SECTION 10,  
TOWNSHIP 2 SOUTH, RANGE 6 WEST  
DESOTO COUNTY, MISSISSIPPI